

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

August 12, 2009

NOTICE TO ALL COUNSEL OF RECORD

Case No. 08-10997 - United States v. William Irey

Dear Counsel:

Enclosed is an order entered by the court directing that this case be reheard en banc. Under Eleventh Circuit Rule 35, the effect of granting rehearing en banc is to vacate the previous opinion and judgment of this court and to stay the mandate.

You will be notified by subsequent correspondence of the schedule for filing en banc briefs, the issue(s) which the court wishes the parties to focus on in their briefs, and any page limitations on them. We will communicate with you at a later time regarding report time and time limitations on oral argument should this case be designated for oral argument.

Sincerely,

THOMAS K. KAHN, CLERK

By: _____
Joyce T. Pope
Calendar Clerk

:jtp

Enclosure

Peggy Morris Ronca - FAX 407-648-7643
William R. Ponell - FAX 407-645-0805
Clerk, U.S. District Court (MFL-Orlando)
Honorable Gregory A. Presnell

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

No. 08-10997

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT August 12, 2009 THOMAS K. KAHN CLERK
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UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

WILLIAM IREY,

Defendant-Appellee.

On Appeal from the United States District Court for the
Middle District of Florida

(Opinion March 30, 2009, 563 F.3d 1223, 11th Cir. 2009)

(August 12, 2009)

BEFORE: DUBINA, Chief Judge, TJOFLAT, EDMONDSON, BIRCH, BLACK, CARNES,
BARKETT, HULL, MARCUS, WILSON and PRYOR, Circuit Judges*.

BY THE COURT:

A member of this Court in active service having requested a poll on whether this case should be reheard by the Court sitting en banc, and a majority of the judges in this Court in active service having voted in favor of granting a rehearing en banc,

IT IS ORDERED that the above cause shall be reheard by this court en banc. The previous panel's opinion is hereby VACATED.

*Senior United States Circuit Judge James C. Hill has elected to participate in further proceedings in this matter pursuant to 28 U.S.C. § 46(c).